Case Reference: Ombudsman Case No. EBF–AJBH–309–2025 | Court Case No. 7. Kpk. 750.239/2025/2

Administrative Obstruction in European Union Medical Education:

Fourth series of original A legal case study from Semmelweis University

Unwritten Rules, Misled Students: Misinformation in Higher Education

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Abstract

This fourth paper explores how misinformation and unwritten rules serve as mechanisms of administrative obstruction in Hungarian medical education. Focusing on FM/CV students at Semmelweis University, the study examines the directive requiring students to revoke previously earned signatures to attend compulsory anatomy laboratories—a rule not listed in the university's published Study and Examination Regulations (SZMSZ).

Using legal document analysis, anonymized peer testimony, and official filings before the Hungarian Ombudsman (Case No. EBF–AJBH–309–2025) and the Administrative Court (Case No. 7. Kpk. 750. 750.239/2025/2), the research places this obstruction within national and European legal frameworks, including the Hungarian Higher Education Act (CCIV/2011), the Whistleblower Protection Act (XXV/2023), and the EU Charter of Fundamental Rights (Arts. 21, 47).

A new Erasmus/Misinformation Index is introduced to categorize and evaluate misinformation practices along two dimensions: (1) the severity of academic harm (such as irreversible loss of credits and denial of degree progression) and (2) governance failure level (isolated, departmental, or systemic). Results show that misinformation influences student behavior coercively, increases attrition disparities between international and domestic students (67.5% vs. approximately 20%), and highlights broader governance issues acknowledged by the European Commission in its exclusion of Hungarian universities from Erasmus+ and Horizon Europe funding.

ORCID: 0009-0005-4228-1124 (Sources of **Reference 1 – 6)**

The paper argues that misinformation is a systemic barrier to educational equity, not just a minor issue, with legal, policy, and accreditation consequences. To prevent these risks, it is suggested that unwritten academic requirements be banned, transparency in directives be ensured, and independent audits of university practices be conducted. By combining legal analysis with a replicable index method, this research makes a significant contribution to both academic knowledge and legislative oversight of higher education governance in Central Europe.

1. Introduction

Administrative obstruction in Hungarian medical education has taken three forms:

1. Structural obstruction — denial of compulsory anatomy labs despite valid FM/CV status (1, 3).

2. Rhetorical obstruction — faculty conditioning students to accept failure as usual (e.g., “50% repeat” statements) (2).

3. Misinformation obstruction — students being misled into believing unwritten requirements are binding. This paper focuses on the third mechanism, showing how **misinformation coerces students into relinquishing their rights, often with long-term consequences.**

2. Case Evidence: Appendix C

Methodology: Identifying and Indexing “Unwritten Rules” and Misinformation

This study employs a **documentary legal analysis** combined with **qualitative testimonial coding** to identify and classify instances of misinformation and unwritten academic rules within Hungarian higher education. The methodology was designed to ensure that the findings are not only legally grounded but also replicable and transparent for future researchers.

2.1 Sources of Data

- **Institutional Regulations**: The Semmelweis University Study and Examination Regulations (SZMSZ_HKR, 2024 EN) were

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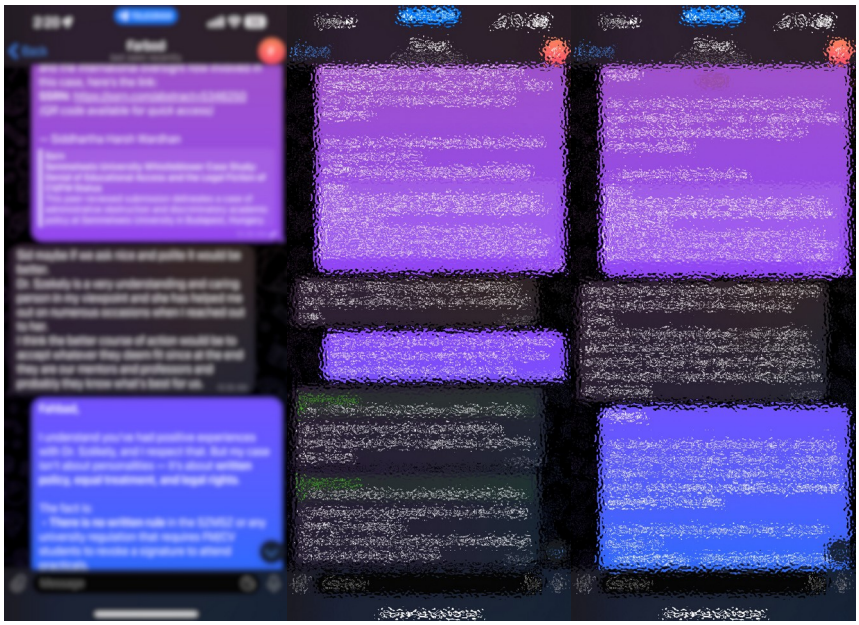
analyzed, with particular focus on Articles 5, 11, 13, 29, and 45, which collectively govern equal treatment, compulsory practicals, FM/CV re-registration, and pre-degree certification

2.1 Directive of Dr. Andrea Székely (Feb 2025)
Dr. Székely instructed FM/CV students to revoke previously earned signatures to attend practicals. No such clause exists in SZMSZ Articles 5, 11, 13, 29, or 45 (8). The directive was therefore ultra vires, contrary to Act CL of 2016 (10) and Act CCIV of 2011 (9).

2.2 Peer Testimonial Evidence (Redacted, July 2025)
An anonymized peer (“redacted”) stated: **‘I was told FM students cannot attend labs unless they revoke their signature. I thought this was the rule.’**



Blurred to protect identity (GDPR Act of 2017). Misled students: violating articles 5, 11, 13, 29, and 45 in accordance with the source Study and Examination Regulations (SZMSZ_HKR_2024_EN).
Interpretation: This indicates that students are internalizing misinformation. Even if untrue, once believed, it coerces students into compliance with non-existent rules.

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Legal Implication: If a student revokes a signature and then fails six months later, the damage is irreversible — they cannot retroactively claim their original right.

2.3 Institutional Silence

Despite published case studies on SSRN/ResearchGate (1, 2, 3, 4, 5, 6), the leadership of Semmelweis University has not rebutted the claim that revocation has no legal basis. Silence, in administrative law, is not neutrality but negligence (10, 12).

3. Legal and Regulatory Framework

- **Act CCIV of 2011 (Higher Education)** — equal, predictable access (9).
- Act CL of 2016 (Administrative Procedure) — all rules must be transparent and written (10).
- Act XXV of 2023 (Whistleblower Protection) — protects disclosures like this case (11).

- SZMSZ (2024 EN):

- Art. 5 — equal treatment.
- Art. 11 — compulsory access to practicals.
- Art. 13 — FM/CV rights.
- Art. 29 — recognition of signatures.
- Art. 45 — progression to Absolutorium (8).

- **EU Charter: Art. 21 (non-discrimination**), Art. 47 (effective remedy) (12).
- Directive 2005/36/EC: Art. 24 (transparent, adequate training) (13).
- ESG Standards: 1.3 & 1.6 (fair assessment, adequate resources) (14).
- WFME: B.2.2 (equal access to compulsory training) (15).

4. Analysis: Misinformation as Obstruction

Mechanism: Shifts the burden onto students (‘you revoked it yourself’).

Effect: Denies remedy by preventing appeals without a written rule to challenge. Risk: Long-term academic harm—once revoked, students risk losing their progression permanently (6,

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9, 10).
Pattern: Complements structural obstruction (1, 3) and rhetorical obstruction, such as the '50% fail’ conditioning (2).

5. Systemic Context

Administrative data confirm disproportionate attrition: 67.5% of internationals vs. ~20% of Hungarians (7). Misleading students into giving up rights magnifies this disparity.

6. Conclusion

Misinformation presents a significant issue; it constitutes a deceptive form of guidance disguised as legitimate advice. By inducing students to revoke their signatures, Semmelweis University contravenes rights that are protected under legal, policy, and accreditation frameworks. Remaining silent amidst this evidence amounts to negligence and serves as an implicit acknowledgment of the situation.

Policy Recommendations:
1. Prohibit unwritten academic requirements.
2. Mandate the publication of all directives within the SZMSZ.
3. Implement independent audits of misinformation practices.
4. Enforce the provisions of Directive 2005/36/EC by the European Commission.

Appendix D – Claim-to-Source Reference Index

Claim	Supporting Sources
Denial of FM/CV students to anatomy labs is obstruction	1, 3, 8, 9, 10
Faculty rhetoric normalizes attrition ('50% repeat')	2, 7
Peer misinformation ('Pierre' example) misleads students	6, 8, 10
Institutional silence = negligence	5, 6, 10, 12
Attrition disproportionately	7, 4

ORCID: 0009-0005-4228-1124 (Sources of **Reference 1 – 6)**

harms internationals (67.5% vs ~20%)	
Deficient specimens breach WFME/ESG	3, 14, 15
EU Charter + Directive require fair remedy	12, 13
Erasmus+ and Horizon exclusion shows systemic EU recognition of governance failures	12, 13, 14

7. Erasmus+ and Horizon Exclusion as Systemic Evidence

The exclusion of Hungarian universities from the Erasmus+ and Horizon Europe programs provides independent confirmation that governance failures within academia in Hungary are systemic rather than isolated incidents. In December 2024, Hungary's Commissioner for Fundamental Rights, Ákos Kozma, formally requested EU Ombudsman Emily O'Reilly to examine the legality of excluding Hungarian students and researchers from participation. Kozma emphasized that Hungarian university students and researchers had already been excluded for two years, commencing in 2023, when the European Commission suspended grants to 21 Hungarian universities due to conflicts of interest and a lack of transparency in their foundation governance structures.

This broader EU-level sanction demonstrates that the issues documented at Semmelweis University—such as misinformation regarding FM/CV signature revocation, obstruction of access to anatomy laboratories, and institutional silence—are not unique. Rather, they reflect governance deficiencies that have attracted the scrutiny of the European Commission and have led to the suspension of Hungary's eligibility for Erasmus+ and Horizon funding. The Ombudsman's inquiry into this matter further reinforces the argument that Hungarian higher education currently fails to meet EU standards of non-discrimination, transparency, and effective remedy.

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References:

Researchers’ Personal Publications 1-6: ORCID: 0009-0005-4228-1124

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7. Pusztai, G., Demeter-Karászi, Z., Alter, E., & Szabó, F. (2022). *Administrative data analysis of student attrition in Hungarian medical training*. BMC Medical Education, 22(317).

8. Semmelweis University, *Study and Examination Regulations (SZMSZ_HKR_2024_EN)*, Articles 5, 11, 13, 29, 45.

9. Act CCIV of 2011 on National Higher Education (Hungary).

10. Act CL of 2016 on General Administrative Procedure (Hungary).

11. Act XXV of 2023 on Whistleblower Protection (Hungary).

12. Charter of Fundamental Rights of the European Union [2012] OJ C326/391, Arts 21, 47.

13. Directive 2005/36/EC of the European Parliament and Council (2005), Art. 24.

14. ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (2015), ESG 1.3, 1.6.

15. WFME, *Standards for Basic Medical Education* (2015), B.2.2.

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